

Chapter 21A.28
DEVELOPMENT STANDARDS - ADEQUACY OF PUBLIC
FACILITIES AND SERVICES

1338 SECTION 28. Ordinance 1709, Section 1, as amended, and K.C.C.

1339 13.24.010 are each hereby amended to read as follows:

1340 **Water and sewer system comprehensive plans.**

1341 A. Comprehensive plans for water and sewer districts or any other public or
1342 private entities that distribute or obtain water or provide sewer collection or
1343 treatment in unincorporated areas of King County shall be adopted by each such
1344 entity and approved by the King County council as a prerequisite for the following:

- 1345 1. Operating in unincorporated King County;
- 1346 2. Approval of annexation proposals;
- 1347 3. Granting of new right-of-way franchises and right-of-way franchise
1348 renewals; and
- 1349 4. Approval of right-of-way construction permits, except for emergency
1350 permits issued under the provisions of K.C.C. 14.44.055.

1351 B. Except as provided in K.C.C. 13.24.015, such plans shall be reviewed by
1352 a utilities technical review committee established by this chapter prior to
1353 submission to the King County council for approval.

1354 C. Only plans consistent with the King County Comprehensive Plan
1355 adopted in K.C.C. Title 20 and appropriate development regulations shall be
1356 approved. The infrastructure system for the existing service area, and for the area
1357 anticipated to be served in the future shall be based on the adopted land use map of
1358 the Comprehensive Plan. Plans and the service areas proposed to be served by the
1359 water system shall also be consistent with relevant basin plans or watershed plans.

1360 D. A new, fully updated plan shall be submitted every six years, or in
1361 conformance with the cycle of updates required by the state Department of Health
1362 or Department of Ecology, whichever is sooner(~~((except that))~~). Except for water
1363 systems proposing a changed service area, as authorized under RCW 90.03.386,
1364 water comprehensive plans shall not be required for Group A water systems that are
1365 not expanding public water systems as defined in WAC 246-290-010.

1366 E. King County may require an updated plan, plan amendment, or other
1367 documentation whenever conditions for water or sewer availability have changed
1368 significantly within a water or sewer utility service area. Water and sewer utilities
1369 required to plan under this chapter shall promptly notify King County of any
1370 significant changes affecting service provision.

1371 F. Water and sewer comprehensive plans shall include information
1372 sufficient to demonstrate the ability to provide service consistent with the
1373 requirements of all applicable statutes, codes, rules and regulations.

1374 G. Water comprehensive plans shall be consistent with the state department
1375 of health planning requirements under WAC 246-290 and with the planning criteria
1376 ~~((identified by the state Department of Health))~~ in its “Water System Planning
1377 Handbook” or its successor document. Water comprehensive plans shall also
1378 include an evaluation of reclaimed water opportunities, as required by RCW
1379 90.46.120.

1380 H. Sewer comprehensive plans shall be consistent with WAC 173-240-050.
1381 In addition, the plans shall discuss the following:

1382 1. Existing and planned flows, both average and peak; and

- 1383 2. Existing and planned flows for any basin discharging into King
1384 County's sewage conveyance and treatment system; ~~((and))~~
- 1385 3. Amounts of inflow and infiltration to the system, a comparison of those
1386 amounts with King County's one thousand one hundred gallons per acre per day
1387 standard, and steps being taken to reduce the inflow and infiltration; ~~((and))~~
- 1388 4. Areas of concern with respect to corrosion and odor control and steps
1389 being taken to reduce their occurrence; and
- 1390 5. Opportunities for reclaimed water as required under RCW 90.48.112
1391 and 90.48.495.
- 1392 I. The utilities technical review committee may require additional
1393 information to be included as part of a water or sewer comprehensive plan.
- 1394 SECTION 29. Ordinance 1709, Section 5, as amended, and K.C.C.
1395 13.24.060 are each hereby amended to read as follows:
- 1396 **Comprehensive plans - approval requirements.** Comprehensive plans
1397 approved by the county shall be consistent with the following:
- 1398 A. K.C.C. chapter 17.08 relating to the installation of fire hydrants and
1399 water mains;
- 1400 B. State and local health standards;
- 1401 C. The creation and maintenance of logical service areas consistent with
1402 the relevant coordinated water system plans adopted under chapters 43.20 RCW
1403 and 70.116 RCW and the duty to serve under RCW 43.20.260;
- 1404 D. The expansion of service area boundaries for entities that demonstrate
1405 compliance with existing water system plans, including water conservation

1406 provisions, and consistency with any other applicable land use, comprehensive, or
1407 watershed plans;

1408 E. The elimination or prevention, or both, of duplicate facilities;

1409 ~~((E.))~~ F. The promotion of the most reliable and healthful service to the
1410 public, including the delivery of potable water by existing public water systems
1411 on a permanent or interim basis whenever feasible;

1412 ~~((F.))~~ G. The provision of service at a reasonable cost and maximization of
1413 the use of existing public facilities;

1414 ~~((G.))~~ H The reduction of the number of entities providing sewer ~~((and/))~~ or
1415 water service in King County, including the use of satellite ownership and
1416 management and conditional approvals for new water systems under RCW
1417 70.119A.060;

1418 ~~((H.))~~ I. County Comprehensive Plan and other pertinent county adopted
1419 plans and policies;

1420 ~~((I.))~~ J. Coordinated water system plans under chapter 70.116 RCW;

1421 ~~((J.))~~ K. ~~((The b))~~ Basinwide or multi-basin water plans, sewerage plans or
1422 water and sewerage plans, when approved by the state Department of Ecology and
1423 the state Department of Health;

1424 ~~((K.))~~ L. Applicable state water quality, water conservation and waste
1425 management standards;

1426 ~~((L.))~~ M. The state Water Resources Act, chapter 90.54 RCW;

1427 ~~((M.))~~ N. The state Growth Management Act;

1428 ~~((N.))~~ Q. Adopted ground water management plans pursuant to RCW
1429 90.44.400 and chapter 173-100 WAC; ~~((and))~~
1430 ~~((O. A))~~ Q. The requirements of the Endangered Species Act, including
1431 adopted habitat conservation plans ~~((developed pursuant to the Endangered Species~~
1432 ~~Act))~~ and recovery plans;
1433 P. Salmon recovery plans developed under chapter 77.85 RCW, water
1434 resource plans developed under chapter 90.54 RCW, watershed plans developed
1435 under chapter 90.82 RCW, and regional water supply or water resource
1436 management plans; and
1437 Q. Applicable requirements to evaluate opportunities for the use of
1438 reclaimed water under chapter 90.46 RCW.
1439 SECTION 30. Ordinance 1709, Section 1, as amended, and K.C.C.
1440 13.24.138 are each hereby amended to read as follows:
1441 **Water facilities in rural areas.**
1442 A. Standards and plans for utility services in rural areas and the design and
1443 scale of new water facilities that serve the Urban Growth Area but must be located
1444 in the rural area shall be consistent with the needs of long-term low density
1445 residential development and resource industries in the rural area.
1446 B. ~~((P))~~New development in the rural area may be served by individual
1447 private wells and Group A and B water systems~~((may be allowed in rural areas.))~~
1448 as follows:
1449 1. If the ~~((area for a new public water system is included))~~ new
1450 development is proposed in the planning or service area of an existing water

1451 purveyor as identified in a Coordinated Water System Plan or an individual water
1452 system plan reviewed by the County and approved by the State, ((the)) a new
1453 public water system ((should)) shall be operated by the purveyor through either
1454 satellite management or direct service((-));

1455 2. If the development is proposed for an area that has been assigned to a
1456 water purveyor through a King County approved Coordinated Water System Plan
1457 or an individual water system plan reviewed by the County and approved by the
1458 State and the proposed development does not meet requirements for a private well
1459 or Group B system, a Group A water supply system shall be required;

1460 3. If the proposed development is included in an area currently served by
1461 a Group B water system that has known quality or quantity problems that threaten
1462 public health and can best be solved by Group A service, a new Group A water
1463 supply system may be created; and

1464 4. If a Group A public water system cannot provide service to the new
1465 development in a timely and reasonable manner as provided in RCW 70.116.060,
1466 or if service cannot be provided with reasonable economy and efficiency as
1467 provided in RCW 19.27.097, a new public water system may be created.

1468 C. Existing Group A water systems may be allowed to remain and shall not
1469 be expanded beyond the total number of lots ~~((which such))~~ that the system is
1470 ultimately designed to serve, except as ~~((may be))~~ otherwise provided in subsection
1471 D of this section.

1472 D. ~~((Establishment of new))~~ A Group A water system((s)) may be
1473 established or ~~((the expansions of existing Group A water systems may also be~~
1474 ~~allowed))~~ expanded if:

1475 1.a. ~~((W))~~the existing water systems have quality or quantity problems
1476 that threaten public health and ~~((which))~~ that can best be solved by Group A
1477 service; or

1478 b. The area has been assigned to a water purveyor through a King County-
1479 adopted coordinated water system plan; and

1480 2. Before approval of the new system or system extension, the maximum
1481 number of connections has been specified based on the number of previously
1482 platted, or otherwise legally divided, lots and the zoning approved for the total
1483 rural area being served, and Group A service is financially feasible at the resulting
1484 density.

1485 E. In a closed basin, as defined by WAC 173-507, 173-508, 173-509,
1486 173-510, and 173-515, a public water system created to provide domestic water
1487 for a proposed subdivision and that uses an exempt well under RCW 90.44.050
1488 shall meet the following standards:

1489 (1) the public water system may serve no more than six lots;

1490 (2) only one public water system may be created to serve the
1491 subdivision;

1492 (3) the public water system may have only one exempt well, unless
1493 more than one exempt well is required to meet the water flow requirements; and

1494 (4) the public water system shall allow no more than one-half acre of
1495 irrigation.

1496 SECTION 31. Ordinance 11616, Section 14, as amended, and K.C.C.

1497 13.24.140 are each hereby amended to read as follows:

1498 **Water facilities in urban areas – ((I))interim alternative water service.**

1499 A. All new development in the urban growth area ~~((may))~~ shall be served
1500 by the appropriate existing Group A water purveyor, unless service cannot be
1501 provided in a timely and reasonable manner as provided in RCW 70.116.060 or
1502 with reasonable economy and efficiency as provided in RCW 19.27.097.

1503 B. Alternative water service shall be permitted on an interim basis, only as
1504 follows:

1505 ~~((A-))~~ 1. For individual lots, the director of the department of development
1506 and environmental services may authorize interim water service from an existing
1507 Group B public water purveyor or the development of an individual well given the
1508 following findings;

1509 ~~((1-))~~ a. The applicant has submitted a certificate of water availability
1510 from the appropriate Group A water purveyor accompanied by a letter from the
1511 same purveyor ~~((which))~~ that demonstrates to the satisfaction of the director that the
1512 requirement to receive water service from the purveyor is unreasonable or
1513 infeasible at the time of construction, which means service cannot be provided in a
1514 timely and reasonable manner in accordance with RCW 70.116.060(3)(b) or with
1515 reasonable economy and efficiency as provided in RCW 19.27.097;

1516 ~~((2-))~~ b. The applicant has received a water availability certificate from
1517 an existing Group B public water purveyor or has received pre-application approval
1518 for connection to a private well from the Seattle-King County department of public
1519 health in accordance with the rules and regulations of King County board of health
1520 Title 12;

1521 ~~((3-))~~ c. The applicant has provided a Certificate of Future Connection
1522 from the appropriate Group A water purveyor (~~((which))~~) that certifies that an
1523 irrevocable agreement has been entered into with the purveyor providing that the
1524 property shall be connected to the purveyor's water system upon availability of such
1525 water service and that the property owner shall pay all costs of connection. This
1526 certificate shall stipulate that the applicant and his grantees agree to participate in
1527 and not protest the formation of a utility local improvement district (ULID) or local
1528 improvement district (LID) or utility purveyor project that is designed to provide
1529 public water services to the property. This certificate shall be recorded in the real
1530 property records of King County and shall be a permanent condition on the
1531 property running with the land until such time as the costs for connection are fully
1532 paid to the purveyor; and

1533 ~~((4-))~~ d. Application of the standards of this title would otherwise
1534 preclude reasonable use of the property.

1535 ~~((B-))~~ 2. For subdivisions and short subdivisions, interim water service
1536 from a new or existing (~~((Group B))~~) public water system may be approved as
1537 follows:

1538 ~~((1-))~~ a. The applicant has received approval for the creation of a new
1539 ~~((Group B))~~ public system in accordance with the applicable Coordinated Water
1540 System Plan or individual water system plan reviewed by the County and approved
1541 by the State, if any, or the applicant has received a water availability certificate
1542 from an existing ~~((Group B))~~ public water system; and

1543 ~~((2-))~~ b. The director of the department of development and
1544 environmental services makes the following findings:

1545 ~~((a-))~~ (1) the applicant has provided a Certificate of Future Connection
1546 from the appropriate Group A water purveyor ~~((which))~~ that certifies that an
1547 irrevocable agreement has been entered into with the purveyor providing that the
1548 property shall be connected to the purveyor's water system upon availability of such
1549 water service and that the property owner shall pay all costs of connection. This
1550 certificate shall stipulate that the applicant and his grantees agree to participate in
1551 and not protest the formation of a utility local improvement district (ULID) or local
1552 improvement district (LID) or utility purveyor project that is designed to provide
1553 public water services to the property. This certificate shall be recorded in the real
1554 property records of King County and shall be a permanent condition on the
1555 property running with the land until such time as the costs for connection are fully
1556 paid to the purveyor;

1557 ~~((b- a new Group B public water system formed in the planning area of~~
1558 ~~an existing water purveyor as identified in a Coordinated Water System Plan shall~~
1559 ~~be operated through satellite system management))~~ (2) the applicant provides a
1560 statement from the Group A public water system designated to assume the new

1561 public water system, or within whose service area the new system is proposed to be
1562 constructed, that it will provide satellite management of the system until it can
1563 provide direct service, as required by RCW 70.119A.060; and

1564 ((e-)) (3) any new ((Group B)) public water system ((shall)) will be built
1565 to the design standards of the appropriate Group A water purveyor to which it will
1566 be eventually connected.

1567 C. Either existing wells or Group B water systems, or both, may serve the
1568 lots that the systems are ultimately designed to serve and shall be managed in
1569 compliance with applicable health regulations.

1570 NEW SECTION. SECTION 32. There is hereby added to K.C.C. chapter
1571 19A.08 a new section to read as follows:

1572 In a closed basin, as defined by WAC 173-507, 173-508, 173-509, 173-
1573 510, and 173-515, an application for further segregation may not be submitted
1574 within five years after recording, if the application relies on a public water system
1575 created to provide domestic water that uses an exempt well under RCW 90.44.050
1576 or proposes an additional exempt well and the proposed segregation will result in
1577 the creation of more than six lots within the boundaries of the original subdivision
1578 or short subdivision.

1579 SECTION 33. Ordinance 10870, Section 514, as amended, and K.C.C.
1580 21A.28.040 are each hereby amended to read as follows:

1581 **Adequate water supply.** All new development shall be served by an
1582 adequate public or private water supply system as follows:

1583 A. A public water system is adequate for a development proposal provided
1584 that:

1585 1. For the issuance of a building permit, preliminary plat approval or other
1586 land use approval, the applicant ~~((must))~~ demonstrates that the existing water
1587 supply system available to serve the site:

1588 a. complies with the applicable planning, operating and design
1589 requirements of WAC 246~~((-))~~-290 and 246-291; K.C.C. chapters 14.42, ((and
1590 ~~K.C.C.)) 14.44~~ and K.C.C. Title 17; Coordinated Water system plans; K.C.C. Titles
1591 12~~((, K.C.C. Title))~~ and 13 and other applicable ~~((provisions of the))~~ rules ~~((and
1592 ~~regulations))~~ of the King County board of health; applicable rules of the
1593 Washington state board of health, department of health, utilities and transportation
1594 commission, and ecology; applicable provisions of King County groundwater
1595 management plans and watershed plans; applicable provisions of the King County
1596 comprehensive plan and development regulations; and any limitation or condition
1597 imposed by the county-approved comprehensive plan of the water purveyor; ~~((and))~~~~

1598 b. the proposed improvements to an existing water system have been
1599 reviewed by the department and determined to comply with the design standards
1600 and conditions specified in paragraph a. of this subsection; ~~((or))~~ and

1601 c. a proposed new water supply system has been reviewed by the
1602 department and determined to comply with the design standards and conditions
1603 specified in paragraph a. of this subsection;

1604 2. Prior to issuance of a certificate of occupancy for a building or change
1605 of use permit, the approved public water system and any system improvements set

1606 forth in subsection A.1 of this section shall be installed to serve each building or lot
1607 respectively;

1608 3. For recording a final plat, final short plat or binding site plan, either the
1609 approved public water supply system or system improvements set forth in
1610 subsection A.1 of this section shall be installed to serve each lot or a bond or similar
1611 security shall be deposited with King County and may be assigned to a purveyor to
1612 assure the construction of required water facilities in Group A systems as defined
1613 by board of health regulations, within two years of recording; and

1614 4. For a zone reclassification or urban planned development permit, the
1615 timing of installation of required water system improvements shall be included in
1616 the approving ordinance as specified in K.C.C. 20.24.230.

1617 B. An on-site, individual water system is adequate and the plat or short plat
1618 may receive preliminary and final approval, and a building or change of use permit
1619 may be issued((:

1620 ~~1. In an urban area if:~~

1621 ~~a. the buildings or lots to be served are located outside of a county~~
1622 ~~approved water purveyor service area; or~~

1623 ~~b. The water purveyor has indicated that service cannot be provided in~~
1624 ~~compliance with the purveyor's approved comprehensive plan; and~~

1625 ~~c. The Seattle King County department of public health has approved the~~
1626 ~~proposed method of water supply in accordance with the applicable King County~~
1627 ~~board of health rules and regulations and this section. The applicant shall provide~~
1628 ~~appropriate information to demonstrate to the department and the Seattle King~~

1629 ~~County department of public health that a private individual water system will be~~
1630 ~~adequate. The Seattle King County department of public health may require~~
1631 ~~installation of private individual water systems prior to final approval of a plat or~~
1632 ~~short plat where information is insufficient to show an adequate water supply can~~
1633 ~~be made available.~~

1634 2. ~~In a rural area, if the Seattle King County department of public health~~
1635 ~~has approved the proposed method of water supply in accordance with the~~
1636 ~~applicable King County board of health rules and regulations and this section. The~~
1637 ~~applicant shall provide appropriate information to demonstrate to the department~~
1638 ~~and the Seattle King County department of public health that a private individual~~
1639 ~~water system will be adequate. The Seattle King County department of public~~
1640 ~~health may require installation of private individual water systems prior to final~~
1641 ~~approval of a plat or short plat where information is insufficient to show an~~
1642 ~~adequate water supply can be made available)) as provided in K.C.C. 13.24.138 and~~
1643 ~~13.24.140.~~